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May 8, 2023

MEMO ENDORSED

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 618
New York, New York 10007

Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)

Dear Judge Failla:

We represent Defendant/Counterclaim Plaintiff Capital One, National Association ("Capital One") in the above-captioned matter. Pursuant to Your Honor's Individual Rule 9(B)(i), Capital One respectfully submits this letter regarding the sealed treatment of Capital One's response to Walmart's May 2, 2023 letter (ECF No. 49) which is being filed under seal and on the public docket in redacted form today.

The contract at issue contains a confidentiality provision that prohibits the parties from disclosing the terms of the contract, which are discussed in Capital One's letter. The parties are considering which provisions of the contract can be disclosed on the public docket. Capital One therefore respectfully requests the Court's permission to provisionally redact portions of the letter, and to file the unredacted letter under seal.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

Application GRANTED. The Clerk of Court is directed to maintain docket entry 63 under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 61.

SO ORDERED.

Dated: May 9, 2023
New York, New York

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE